

Government of the District of Columbia

ZONING COMMISSION



**Zoning Commission Order No. 811
Case No. 96-2
(Map Amendment @ Bladensburg Road and
Eastern Avenue, N.E.)**

March 10, 1997

The Zoning Commission for the District of Columbia initiated this case in response to a proposal of the District of Columbia Office of Planning (OP) to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Amendments to the Zoning Map are authorized pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797 as amended, D.C. Code Ann. Section 5-413 (1981)].

By memorandum dated March 6, 1996, OP petitioned the Commission to zone from unzone to R-5-A or R-5-D property located at Bladensburg Road and Eastern Avenue, N.E. The proposal is based on a request from the District of Columbia Department of Housing and Community Development (DHCD), for property owned by the Redevelopment Land Agency (RLA). Additionally, OP recommended that property containing several existing detached houses in the Bladensburg Road/Eastern Avenue area be rezoned from C-M-1 to R-1-B.

The RLA property is located at the northeast corner of Eastern Avenue and Bladensburg Road, N.E., in Ward 5. It consists of Lot 802 in Square 4325 and Parcel 174/15, which was transferred from the National Park Service (NPS) to RLA. This property is currently unimproved and is unzoned, having previously been in federal ownership and use. The land area is 93,984 square feet.

The area with the existing detached houses is located outside the Fort Lincoln boundaries. These homes are oriented to 35th Street as well as Bladensburg Road, N.E., immediately to the southwest of the Fort Lincoln properties proposed for rezoning.

On March 11, 1996, at its regular monthly meeting, the Zoning Commission considered the OP proposal and authorized the scheduling of a public hearing on Case No. 96-2. The Zoning initiative proposed rezoning as follows:

- a. Rezone Lots 1 through 19 in Square 4325 from C-M-1 to R-1-B (existing detached houses), and

- b. Zone Parcel 174/15 and Lot 802 in Square 4325 from unzoned to R-5-A or in the alternative to R-5-D (Fort Lincoln Properties).

The Zoning Commission indicated in the notice of public hearing that it would receive testimony and written submissions about, and would consider adoption of other alternative proposals that are reasonably related to the scope of the proposed amendments that were set forth in the notice of public hearing.

Pursuant to notice, a public hearing was held by the Zoning Commission on July 11, 1996 to consider the proposed amendments to the Zoning Map. The hearing session was conducted in accordance with the provisions of 11 DCMR 3021.

At the hearing session, the Commission heard testimony of the OP and members of the Fort Lincoln New Town Corporation, ANC-5A, the Single-Member District representatives of Advisory Neighborhood Commissions (ANC) 5A-11 and 5A-12, and one member from the community.

The OP, by memorandum dated July 1, 1996, and through testimony presented at the public hearing reiterated its recommendations in the final report which stated that the area of existing detached houses (Square 4325, lots 1 through 19) be rezoned, as advertised from C-M-1 to R-1-B. The properties in Fort Lincoln (Parcel 174/15 and Lot 802 in Square 4325) should be changed from unzoned to R-A-5, as advertised.

ANC-5A by testimony, and by resolution dated July 31, 1996 voted to support the proposal. The ANC 5A did stipulate that they wanted an appropriate fence erected at the boundaries between the existing community development on 35th Street on the north side, and the new development.

Single Member District representatives for 5A-11 and 5A-12 presented testimony at the public hearing which supported the proposal.

A member of the Fort Lincoln New Town Corporation testified in support of the proposal and highlighted the zoning changes to take place along the 35th Street side of Parcel 174/15 and Lot 802 in Square 4325. He noted that the property would be landscaped and have appropriate signage. He also stated that the Corporation contemplated installing a fence as suggested by the ANC.

There was no testimony in opposition to the proposal.

The community member's only concern was whether the rezoning would displace him and his family; the Zoning Commission assured him it would not.

On September 9, 1996 at its regular monthly meeting, the Zoning Commission took proposed action to rezone lots 1 through 19 in Square 4325 from C-M-1 to R-1-B and zone Parcel 174/15 and Lot 802 in Square 4325 from unzone to R-5-A.

The proposed action of the Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Government Reorganization Act.

NCPC by report dated January 9, 1997, found that the proposed map amendment would not adversely affect the Federal Establishment or other Federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission has accorded ANC-5A the "great weight" consideration to which it is entitled.

A notice of proposed rulemaking was published in the D.C. Register on December 20, 1996 for a 30-day public notice and comment period. The proposed rulemaking was referred to the Zoning Administrator (ZA), the Office of Corporation Counsel (OCC) and the OP for review and comment.

The Commission did not receive additional comments as a result of the referrals and the publication of the notice of proposed rulemaking.

The Commission is of the opinion that all issues raised at the public hearing have been adequately addressed since no comments were submitted into the record as a result of the proposed rulemaking.

The Zoning Commission noted that it is not appropriate to recommend that a fence be erected at the boundaries between the existing community development and the new development as part of the zoning case, however; the Commission noted that nothing precludes the ANC and the property owners from making private agreements or covenants.

The Zoning Commission further believes that its decision in this case is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Map and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.


In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby orders APPROVAL of amendments to the Zoning Map. The specific amendments to the Zoning Map are as follows:

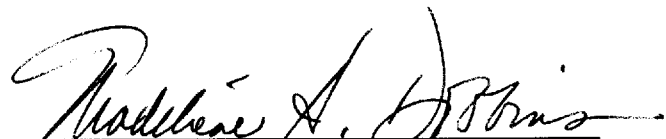
1. Rezone Lots 1 through 19 in Square 4325 from C-M-1 to R-1-B (site of existing detached houses); and
2. Zone Parcel 174/15 and Lot 802 in Square 4325 from unzoned to R-5-A (site of Fort Lincoln Properties).

Vote of the Zoning Commission taken at the Regular monthly meeting of September 9, 1996: 4-0 (John G. Parsons, Howard R. Croft, Jerrily R. Kress, and Herbert M. Franklin, to approve - Maybelle Taylor Bennett, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its regular monthly meeting on March 10, 1997, by a vote of 3-0 (John G. Parsons, Jerrily R. Kress and Herbert M. Franklin to adopt - Maybelle Taylor Bennett, not voting, not having participated in the case).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register, that is, on APR 11 1997.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning